

Meeting Date: 5-9-06

Santa Clara



## AGENDA REPORT

City of Santa Clara, California

Agenda Item #

4 E4



**DATE:** May 5, 2006

**TO:** City Council for Information


**FROM:** Executive Assistant to the Mayor and Council Offices

**SUBJECT:** Additional correspondence received regarding proposal to put Binding Arbitration for Public Safety Providers on the November 2006

From April 26 through May 5, 2006, the Mayor & Council Offices have received twelve (12) communications in support of and one (1) in opposition to the proposal to put Binding Arbitration for Public Safety Providers on the November 2006 ballot.

  
Kim Fettahlioglu  
Executive Assistant  
Mayor and Council Offices

APPROVED:

  
Jennifer Sparacino  
City Manager

*Documents Related to this Report:*  
*1) Communications from residents*

**From:** "DeLuca, Ben" <Ben.DeLuca@analog.com>  
**To:** <MayorandCouncil@ci.santa-clara.ca.us>  
**Date:** 4/28/06 4:24PM  
**Subject:** BIA

Hello,

I support my local Firefighters and Police Officers effort to secure  
Binding Interest Arbitration, PLEASE PUT THIS ON THE BALLOT FOR THE  
NOVEMBER ELECTION.

Regards,  
Ben

Benjamin DeLuca  
1504 Bergerac Drive.  
San Jose, Ca 95118

**From:** Darrell Sales <truckerscdengineer@yahoo.com>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/1/06 6:35AM  
**Subject:** binding arbitration

Councilman Diridon

I would like to express my support for binding arbitration. The goal would be to settle contract matters before this is needed and should an agreement not happen, then to have it go to arbitration. I believe this would help foster good communication so as not to let someone else settle matters which would be important to each side.

thank you  
Darrell Sales  
3531 Earl Dr.  
Santa Clara 95051

---

Yahoo! Mail goes everywhere you do. Get it on your phone.

**From:** Craig Sala <csala@pacbell.net>  
**To:** <MayorandCouncil@ci.santa-clara.ca.us>  
**Date:** 5/1/06 12:40PM  
**Subject:** binding arbitration

I am all for binding arbitration. I was a police officer for 25 years at Santa Clara P.D. and personally felt that I would never strike because my job was emergency service for the citizens of this city. However when it came time to negotiate, we were entirely at the whim of our City Staff who, in my opinion, do not understand the personal sacrifices we have made and are unwilling to negotiate in good faith. Binding arbitration sounds only fair to me when an outside mediator can make a fair evaluation of the issues. Why are the staff so afraid of fairness of this issue? Please put yourselves in our shoes and make a moral and ethical judgement. This is not about losing power as much as it is about being fair to those people who put their lives on the line for you everyday!

sincerely,

Craig C. Sala, honorably retired, Santa Clara Police Department.

**From:** Goularte Dave <bajacapers@comcast.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/3/06 2:22PM  
**Subject:** Binding Arbitration

City Clerk,

I am in support of placing the arbitration measure on the November ballot.

There are many neighbors and friends who all live in Santa Clara who are also in support of this Measure.

I have received many e-mails from friends asking where they can sign the petition to put Binding Arbitration on the Ballot.

**From:** nick delgado <ndelgado9@yahoo.com>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/3/06 2:27PM  
**Subject:** YES on Arbitration

Dear Sir,

I am e-mailing you to request your support for placing the Binding Arbitration measure on the ballot in November and to vote yes on the motion. This is all about fairness and gives firefighters and police officers in this wonderful city a fair and level method to resolve disputes, since we are prohibited from striking. Thank you for your support.

Nick Delgado  
Firefighter, Sta. 3C

-----  
Yahoo! Messenger with Voice. PC-to-Phone calls for ridiculously low rates.

**From:** "linda delgado" <ldelgado50\_83@hotmail.com>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/3/06 6:06PM  
**Subject:** ARBITRATION MEASURE

Dear Mr. Diridon, City Clerk

I am emailing you to ask for your support of placing the Arbitration Measure on the November ballot by making a motion to do so and voting YES on the motion.

Thanking you in advance for your support.

Sincerely,

Linda Delgado

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Express yourself instantly with MSN Messenger! Download today - it's FREE!  
<http://messenger.msn.click-url.com/go/onm00200471ave/direct/01/>

**From:** SCOTT PENCE <pence\_5@sbcglobal.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/3/06 3:31PM  
**Subject:** Binding interest arbitration

Mr. Diridon, I am completely supportive of binding interest arbitration, the firefighters and Police Officers deserve it.

Thank you, Scott Pence



The Honorable Patricia M. Mahan, Mayor of the City of Santa Clara.

May 9, 2006

Council Member Dominic J. Caserta, Council Member City of Santa Clara.  
Council Member Will Kennedy, Council Member City of Santa Clara.  
Council Member Pat Kolstad, Council Member City of Santa Clara.  
Council Member Jamie L. Matthews, Council Member City of Santa Clara.  
Council Member Jamie McLeod, Council Member City of Santa Clara.  
Council Member Kevin Moore, Council Member City of Santa Clara.

**RECEIVED**

**MAY 04 2006**

**OFFICE OF THE MAYOR  
CITY OF SANTA CLARA**

Dear Mayor Mahan and Council Members,

The Employees Association, bargaining units 5, 7 and 8, support the efforts of the City's Public Safety bargaining units to seek binding arbitration as a means to provide impartial impasse resolution procedures to replace the partial procedures that exist today. Binding arbitration would allow for fair presentation and dispute resolution for both sides. The current negotiations process allows the City's negotiation team to make presentations totaling many hours directly to the City Council. In contrast, the bargaining units are allowed only 10 minutes of direct contact by way of current impasse procedure. Binding arbitration negates the perceptions of partiality, unfairness, and unreasonability, real or perceived. The use of binding arbitration when settlement can't be found through normal negotiations also removes any stigma that the decisions rendered by Council were possibly influenced by political favor or self-interest.

City management has argued that a loss of control and decisions made not in the best interest of the public could result as a consequence of binding arbitration. The Public Safety proposed wording of the Charter amendment is supported and governed by Part 3, Title 9 of the California Code of Civil Procedure. Specifically, Title 9.5 (ARBITRATION OF FIREFIGHTER AND LAW ENFORCEMENT OFFICER LABOR DISPUTES), Section 1299.6.c states:

1299.6. (c) The arbitration panel, unless otherwise agreed to by the parties, shall limit its findings to issues within the scope of arbitration and shall base its findings, opinions, and decisions upon those factors traditionally taken into consideration in the determination of those matters within the scope of arbitration, including but not limited to the following factors, as applicable:

- (1) The stipulations of the parties.
- (2) The interest and welfare of the public.
- (3) The financial condition of the employer and its ability to meet the costs of the award.
- (4) The availability and sources of funds to defray the cost of any changes in matters within the scope of arbitration.
- (5) Comparison of matters within the scope of arbitration of other employees performing similar services in corresponding fire or law enforcement employment.
- (6) The average consumer prices for goods and services, commonly known as the Consumer Price Index.
- (7) The peculiarity of requirements of employment, including, but not limited to, mental, physical, and educational qualifications; job training and skills; and hazards of employment.

- (8) Changes in any of the foregoing that are traditionally taken into consideration in the determination of matters within the scope of arbitration.

Protection for the City and the public appears clear, particularly as stated in points 2 and 3 in the section of legal code stated above. Best practices and market survey are also to be considered, further safe-guarding the City and the Public against unreasonable demands made by either side. The arbitration process seems to favor the side that is reasonable. Given the costs of arbitration as shown in City reports, it also seems that there is some financial incentive for both sides to be reasonable in their expectations. If both sides are reasonable, the cost and time required by arbitration are avoided.

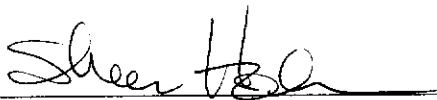
Much has been said about Public Safety's inability to strike and that being a focus reason to introduce binding arbitration in the interest of fairness. In the City's response to questions from the April 11, 2006 study session regarding binding arbitration, presented to Council on April 25, 2006, the following question was answered:

8. **Do any other employees or groups also have this restriction where they are prevented from striking as a result of disagreement?**

Non-safety employees have a limited right to strike under California law. However, if the strike impacts the delivery of essential services and creates a substantial likelihood that serious harm will be experienced unless immediate action is taken and an emergency will be created, (e.g., a strike by sanitation workers), the local agency may seek a court order to stop the strike.

This answer seems to indicate that the Employees Association also has limited options if, during the course of contract negotiations, a settlement can't be reached. The Employees Association cannot recall a recent time when it felt that the situation during negotiations was so bad that it wanted to call for a strike vote. This does not imply that at some future time a draconian Council or employee negotiations group decides to be unreasonable to the point where the public, or the employees, or both are potentially harmed. It is clear to us that binding arbitration can be an effective tool to prevent harm from being done. However unlikely binding arbitration may be implemented, its costs are far preferable to the costs involved by both sides in prosecuting a strike.

Respectfully, The Employees Association Board of Directors



Sharon Hoehn, President Employees Association

cc: Jennifer Sparacino, City Manager

**From:** Gil Delgado <gmd4014@mercury.fhda.edu>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/4/06 12:41PM  
**Subject:** Binding arbitration.

I support placing the binding arbitration measure on the November ballot and would like you to make a motion to do so and vote yes on that motion.

Thank you,

Gil Delgado  
4152 Davis St.  
Santa Clara, CA  
95054

Gil Delgado  
Maintenance Coordinator  
Foothill College  
12345 El Monte Rd.  
Los Altos Hills, CA 94022  
(650) 949-6154

**From:** "Randy Sekany" <president@sjff.org>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/4/06 2:30PM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

Randy Sekany



State Council of the International Association of Fire Fighters • California Labor Federation • AFL-CIO

**RECEIVED**

May 1, 2006

MAY 05 2006

City Clerk's Office  
City of Santa Clara

Dear Santa Clara City Council,

On behalf of more than 30,000 front line firefighters and paramedics, I'm writing to ask for your help in building a secure future for Santa Clara and its first responders. California Professional Firefighters requests that you support placing the Santa Clara City Firefighters and Police Officers' Impartial Arbitration measure on the ballot this November.

As the front line of defense for our community, firefighters and police officers do not have the right to strike. Recognizing this, dozens of jurisdictions have approved impartial third-party arbitration as a balanced and fair approach for resolving intractable disputes. The concept is a simple one – when two sides have tried everything and still can't agree, a neutral third-party comes in, hears both sides, and makes the call.

The overwhelming effect of impartial arbitration has been to enhance labor peace. It provides labor and management with a powerful incentive to resolve their conflicts through negotiation, since both sides lose control of the outcome in arbitration. More importantly, it allows our citizens to have confidence that labor-management disagreements will be resolved with intelligence and professionalism.

Your vote in support of placing the issue on the ballot is a vote for our democratic process ... a vote to let the people decide. And by placing the issue on the ballot yourselves, you spare the taxpayers the substantial expense associated with the circulation and qualification of an initiative.

On behalf of California Professional Firefighters and its 30,000 members, please support your firefighters and police officers. Please vote to place impartial arbitration on the November, 2006 ballot.

Cordially,

Lou Paulson  
President, California Professional Firefighters

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0024  
(916) 319-2024

DISTRICT OFFICE  
100 PASEO DE SAN ANTONIO, SUITE 319  
SAN JOSE, CA 95113  
(408) 282-8920

ASSEMBLYMEMBER.COHN@ASSEMBLY.CA.GOV

# Assembly California Legislature

REBECCA COHN  
ASSISTANT MAJORITY FLOOR LEADER  
ASSEMBLYMEMBER, TWENTY-FOURTH DISTRICT



CHAIR  
SELECT COMMITTEE ON DOMESTIC VIOLENCE

MEMBER  
COMMITTEE ON ARTS, ENTERTAINMENT,  
SPORTS, TOURISM, & INTERNET MEDIA  
COMMITTEE ON HEALTH  
COMMITTEE ON PUBLIC SAFETY  
COMMITTEE ON UTILITIES AND COMMERCE

May 5, 2006

Santa Clara City Council  
1500 Warburton Ave.  
Santa Clara, CA 95050

Dear Honorable Mayor Mahan and Members of the City Council,

As a member of the Assembly Public Safety Committee and a longtime advocate for law enforcement and firefighters, I am encouraging you to support placement of the impartial arbitration matter proposed by Santa Clara firefighters and police officers on your November ballot. 24 cities up and down the state use impartial arbitration, including Santa Clara County's own San Jose and Palo Alto, because they are committed to fairness for their police and firefighters during contract negotiations. I am confident you share that same commitment to the men and women that protect your city every day.

Though budget times are tough for everyone, it is important to remember that no city or state that has impartial arbitration has had to cut or reduce a service or program as a result of an arbitration award. The cost of the hearing is shared equally between the parties involved, with full participation by local officials both allowed and encouraged throughout the process.

I hope that you will take my words to heart, and vote to include this measure on your November ballot. Please support your public safety officers on this core labor issue and give the people of Santa Clara the opportunity to follow your lead.

Respectfully,

REBECCA COHN  
Assembly Member - District 24

**From:** <Jaknshrl@aol.com>  
**To:** <MayorandCouncil@ci.santa-clara.ca.us>  
**Date:** 4/29/06 2:30PM  
**Subject:** Proposed Change to City Charter

For the following reasons, we do not want the City Charter changed as proposed by the Firefighters Union and the Police Officers Association:

- \* When wages, etc., come up for review with the City, why should the Firefighters/Police accept anything when they can go to Mediation and possibly get something different - they've got nothing to lose.

- \* It would seem the City could always be at the mercy of Mediation.

- \* Who really knows where a Mediator's allegiance may lie.

Jack & Shirley Spillane  
1047 Wood Duck Ave.  
Santa Clara

Meeting Date: 5-9-06

Santa Clara



# AGENDA REPORT

City of Santa Clara, California

Agenda Item # 4 F.4



**DATE:** May 9, 2006

**TO:** City Council for Information

**FROM:** Executive Assistant to the Mayor and Council Offices

**SUBJECT:** Additional correspondence received regarding proposal to put Binding Arbitration for Public Safety Providers on the November 2006

From May 5th through May 9, 2006, the Mayor & Council Offices have received 37 communications in support of and 2 in opposition to the proposal to put Binding Arbitration for Public Safety Providers on the November 2006 ballot.

A handwritten signature in cursive script that reads "Kim Fettahlioglu".

Kim Fettahlioglu  
Executive Assistant  
Mayor and Council Offices

APPROVED:

A handwritten signature in cursive script that reads "Jennifer Sparacino".

Jennifer Sparacino  
City Manager

*Documents Related to this Report:*  
*1) Communications from residents*





COUNCIL OF PROFESSIONAL ORGANIZATIONS  
*of Firefighters*  
OF SANTA CLARA COUNTY

**RECEIVED**

MAY 6 8 2006

OFFICE OF THE MAYOR  
CITY OF SANTA CLARA

Gilroy Firefighters  
Local 2805

Milpitas Firefighters  
Local 1699

Mountain View  
Firefighters  
Local 1965

Palo Alto Firefighters  
Local 1319

San Jose Firefighters  
Local 230

Santa Clara County  
Firefighters  
Local 1165  
Representing: Campbell, Cupertino,  
Los Altos, Los Altos Hills, Los Gatos,  
Monte Sereno, Morgan Hill, Saratoga

Santa Clara City  
Firefighters  
Local 1171

Sunnyvale Public Safety  
Officers Association

CDF Firefighters  
Local 2881

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Affiliated with International  
Association of Fire Fighters  
Police Officers Research  
Association of California  
California Professional Firefighters  
APL-CIO  
California Labor Federation

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Dear Santa Clara City Council,

May 1, 2006

On behalf of the nine fire labor/associations that comprise the Council of Professional Organizations of Firefighters of Santa Clara County (County Council) representing 1700 full-time professional firefighters, I urge you to vote to place the Santa Clara City Firefighters/Police Officer's impartial arbitration measure on the November, 2006 ballot.

This charter amendment if passed by the voters, would allow for a fair and impartial process for resolving disputes when all other remedies have been exhausted.

Because police officers and firefighters do not have the right to strike, a fair and impartial process for resolving disputes utilizing binding arbitration, is the most fair and equitable method when all other methods have been tried and have failed.

The Santa Clara Firefighters and Police Officers have offered to reimburse the City for the cost of placing the measure on the ballot. They are currently in the process of circulating petitions. If you choose not to place the measure on the ballot, the firefighters and police officers will place the measure and will not reimburse the City for the cost of the election. You have an opportunity to let the voters decide and save them money at the same time. This not only exercises our citizen's right to direct democracy but saves them approximately \$82,000 as well.

I urge you to do the right thing for your valued public safety officers, and do the right thing for your citizens, both fiscally, and in keeping with the democratic process.

Sincerely,

Randy Sekany - President



**From:** "Ferguson James" <jferguson@iaff.org>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 1:46PM  
**Subject:** Binding Arbitration

City Clerk Diridon:

I write to urge the City Council to put the issue of binding arbitration for the Public Safety Employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality of public safety service.

Binding arbitration will help to guarantee this.

Jim Ferguson

IAFF 10th District Vice President

1139 Mission Street

San Francisco, CA 94103

O - 415-621-7103

H - 415-346-7919

C - 415-760-8063

This email and any attachments are for the exclusive and confidential use of the intended recipient. It may contain information that is protected, privileged or confidential, and should not be disseminated, distributed or copied to persons not authorized to receive such information. If you are not the intended recipient, or have received this message in error, please notify me immediately at jferguson@iaff.org

**CC:** <president@sjff.org>

**From:** "R. Sapien" <R.Sapien@sjff.org>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 1:47PM

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this. Public Safety employees do not leave their post, please make sure that they are not left without a voice.

Sincerely  
Robert Sapien Jr.  
Vice President  
San Jose Fire Fighters, Local 230

---

Sent via the WebMail system at sjff.org

**From:** "Jim Buessing" <buessing@charter.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 1:51PM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely,

Jim Buessing

Jim Buessing

Secretary / Treasurer

Gilroy Fire Fighters Local 2805

Cell: 408-499-5696

**From:** "Mike Massone" <mmassone@cpf.org>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 1:51PM

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely,

Michael T. Massone

**CC:** <president@sjff.org>

**From:** "Brian McKenna" <bmcke71856@hotmail.com>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 2:16PM  
**Subject:** Binding Interest Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely,

Brian M McKenna

**From:** "J. Welch" <J.Welch@sjff.org>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 2:51PM  
**Subject:** SUPPORT FOR BINDING ARBITRATION

City Clerk Diridon,

I am writing to urge the city council to put binding arbitration for public safety employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality public safety service. Binding arbitration will help guarantee this.

Sincerely,

Jeff Welch

---

Sent via the WebMail system at sjff.org

**From:** Ted Rose <seniorsmokey@yahoo.com>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 3:05PM  
**Subject:** Binding Interest Arbitration

Rod Diridon: I support having binding interest arbitration on the Nov ballot and am encouraging our City Council to vote to put it there. I also support a yes vote on this issue at the November election.  
Ted Rose, Retired Assistant Fire Chief

---

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Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>



**From:** Darin Peterson <dpeterson@local1230.org>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 3:33PM  
**Subject:** Binding Arbitration

City Clerk Diridon

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

Darin Peterson  
Secretary/Treasurer

**From:** "John Keel" <jkeel@iaff3546.org>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 4:10PM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely,

John S. Keel

**From:** "STEPHEN WARNER" <iaff1775@comcast.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 4:14PM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

Stephen Warner, President - Local 1775

**CC:** "Randy Sekany" <president@sjff.org>

**From:** Douglas Wriston <dw1775@pacbell.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 5:01PM  
**Subject:** Binding Arbitration

> City Clerk Diridon,

>

>

> I write to urge the city council to put the issue of binding arbitration for  
> the public safety employees on the November ballot. The citizens of San Clara  
> deserve to have the highest quality public safety service. Binding  
> arbitration will help to guarantee this.

>

>

> Sincerely

>

> Doug Wriston

**From:** "Cliff Hubbard" <c.hubbard@sjff.org>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 5:02PM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

Cliff Hubbard

**From:** <dancrow1354@aol.com>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 5:12PM  
**Subject:** Binding Arbitration for Public Safety Employees

City Clerk Diridon,

I strongly urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

The assurance of a strong fire and police department is the cornerstone of every community. The ability of a community to vote for Binding Arbitration will truly be a voice of the people.

Sincerely

Dan Crow

**CC:** <president@sjff.org>

**From:** Lew Stone <lewstone@sbcglobal.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 5:17PM  
**Subject:** BINDING ARBITRATION

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely,

Lew Stone

**CC:** Randy Sekany <president@sjff.org>

**From:** "President@SRFF.ORG" <presidentsrfforg@yahoo.com>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 6:22PM  
**Subject:** Message to the City Council

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this, with a process which guarantees a fair and equitable negotiations process the employees and the uninterupted delivery of vital emergency services.

Sincerely

Timothy Doherty, President  
Santa Rosa Firefighters, Local-1401  
president@srff.org  
P.O. Box 1251  
Santa Rosa CA 95402-1251  
(707) 546-7417

---

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Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>



**From:** "Igno" <igno@earthlink.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 7:52PM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

**CC:** "Randy Sekany" <president@sjff.org>

**From:** "Mgigno" <Mgigno@earthlink.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 8:00PM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

**CC:** "Randy Sekany" <president@sjff.org>

**From:** "Azigno" <Azigno@earthlink.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 8:03PM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

**CC:** "Randy Sekany" <president@sjff.org>

**From:** "Azigno" <Azigno@earthlink.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 8:03PM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

**CC:** "Randy Sekany" <president@sjff.org>

**From:** <btruckcap@comcast.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 8:14PM  
**Subject:** BINDING ARBITRATION

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service.

Binding arbitration will help to guarantee this.

Sincerely Jon Riley

**From:** <JGro1135@aol.com>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 8:34PM  
**Subject:** (no subject)

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

Jose and Rosa Guerrero

**From:** "Mgigno" <Mgigno@earthlink.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 8:48PM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely Michael Igno

**CC:** "Randy Sekany" <president@sjff.org>

**From:** "Azigno" <Azigno@earthlink.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 8:50PM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely Antoinette Igno

**CC:** "Randy Sekany" <president@sjff.org>



**From:** Patricia A Tapia <tricia.tapia@sbcglobal.net>  
**To:** <rdiridon@cisanta-clara.ca.us>  
**Date:** 5/8/06 9:23PM  
**Subject:** binding arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality public safety service, binding arbitration will help guarantee this.

Sincerely,  
Patricia Tapia

**From:** Patricia A Tapia <tricia.tapia@sbcglobal.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/8/06 9:30PM  
**Subject:** Fwd: binding arbitration

City Clerk diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality public safety service, binding arbitration will help guarantee this.

Sincerely,  
Patricia Tapia

Note: forwarded message attached.

**CC:** Randy Sekany <president@sjff.org>

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0024  
(916) 319-2024

DISTRICT OFFICE  
100 PASEO DE SAN ANTONIO, SUITE 319  
SAN JOSÉ, CA 95113  
(408) 282-8920

ASSEMBLYMEMBER.COHN@ASSEMBLY.CA.GOV

Assembly  
California Legislature  
**REBECCA COHN**  
ASSISTANT MAJORITY FLOOR LEADER  
ASSEMBLYMEMBER, TWENTY-FOURTH DISTRICT



**CHAIR**  
SELECT COMMITTEE ON DOMESTIC VIOLENCE  
**MEMBER**  
COMMITTEE ON ARTS, ENTERTAINMENT,  
SPORTS, TOURISM, & INTERNET MEDIA  
COMMITTEE ON HEALTH  
COMMITTEE ON PUBLIC SAFETY  
COMMITTEE ON UTILITIES AND COMMERCE

**RECEIVED**

MAY 09 2006

OFFICE OF THE MAYOR  
CITY OF SANTA CLARA

May 5, 2006

Santa Clara City Council  
1500 Warburton Ave.  
Santa Clara, CA 95050

Dear Honorable Mayor Mahan and Members of the City Council,

As a member of the Assembly Public Safety Committee and a longtime advocate for law enforcement and firefighters, I am encouraging you to support placement of the impartial arbitration matter proposed by Santa Clara firefighters and police officers on your November ballot. 24 cities up and down the state use impartial arbitration, including Santa Clara County's own San Jose and Palo Alto, because they are committed to fairness for their police and firefighters during contract negotiations. I am confident you share that same commitment to the men and women that protect your city every day.

Though budget times are tough for everyone, it is important to remember that no city or state that has impartial arbitration has had to cut or reduce a service or program as a result of an arbitration award. The cost of the hearing is shared equally between the parties involved, with full participation by local officials both allowed and encouraged throughout the process.

I hope that you will take my words to heart, and vote to include this measure on your November ballot. Please support your public safety officers on this core labor issue and give the people of Santa Clara the opportunity to follow your lead.

Respectfully,

REBECCA COHN  
Assembly Member – District 24

**RECEIVED**

**MAY 09 2006**

**OFFICE OF THE MAYOR  
CITY OF SANTA CLARA**

Dear Santa Clara Mayor and Council,

May 5, 2006

The police officers and firefighters of our City are currently petitioning you to place a local initiative on the ballot in November re binding interest arbitration. I urge you to vote to place the Santa Clara City Firefighters/Police Officer's impartial arbitration measure on the November, 2006 ballot.

This charter amendment if passed by the voters, would allow for a fair and impartial process for resolving disputes when all other remedies have failed. The current process in place to resolve disputes allows for the City to unilaterally impose their last, best and final offer without recourse to any further negotiations or process. This is unfair and needs to change.

Because police officers and firefighters do not have the right to strike, a fair and impartial process for resolving disputes utilizing binding arbitration, is the most fair and equitable method when all other methods have been tried, exhausted and an agreement has still not been reached.

The Santa Clara Firefighters and Police Officers have offered to reimburse the City for the cost of placing the measure on the ballot. They are also currently in the process of circulating petitions. My understanding is that if you choose not to place the measure on the ballot, the firefighters and police officers will more than likely put the measure on the ballot by gathering the necessary number of signatures and will not reimburse the City for the cost of the election. This is an excellent opportunity to let the voters decide and save them money at the same time. The savings alone has been estimated at approximately \$82,000. In these tight budgetary times placing the measure on the ballot is sound fiscal thinking.

This is the right thing to do for our highly valued and dedicated public safety officers, and our citizens, both fiscally, and in keeping with the democratic process.

I personally support binding interest arbitration for police officers and firefighters and I support the voter's right to decide.

Sincerely,



Eddie Souza – Former Mayor

**From:** "Juan Diaz" <J.Diaz@sjff.org>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/9/06 12:05AM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

**CC:** "Randy Sekany" <president@sjff.org>

**From:** "Carrie Frasier" <carrie@sjff.org>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/9/06 8:26AM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

Carrie Frasier

San Jose Fire Fighters Union, Local 230

425 E. Santa Clara Street, Suite 300

San Jose, CA 95113

Phone (408)286-8718

Fax (408)286-2577

carrie@sjff.org

**CC:** ""Randy Sekany"" <president@sjff.org>

**From:** <artworks77@aol.com>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/9/06 9:33AM  
**Subject:** Binding Arbitration

City Clerk Diridon,

My wife and I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality public safety service and the right to voice their opinion at the polls on this very important issue. Our public safety employees, by law, can not strike and are philosophically opposed to that kind of action. Binding arbitration would, after all other resolution measures have been exhausted, aid in the resolution process.

Sincerely,  
Art and Linda Marshall  
2738 Forbes Ave.

**From:** <tslimick2400@aol.com>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/9/06 10:01AM  
**Subject:** Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

Tony Slimick  
Executive Secretary  
San Mateo County Firefighters  
Local 2400  
650 574 2400  
925 922-8810 cell



**From:** "Juan Diaz" <J.Diaz@sjff.org>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/9/06 10:13AM  
**Subject:** RE: Binding Arbitration

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of Santa Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Thank you,

Juan Diaz

**CC:** "Randy Sekany" <president@sjff.org>

**From:** Richard Preston <rprestonscm@yahoo.com>  
**To:** <MayorandCouncil@ci.santa-clara.ca.us>  
**Date:** 5/9/06 10:26AM  
**Subject:** Binding arbitration

Mayor and Council,

I am writing to request that the Council Note and File the request by the police officers and firefighters to put binding arbitration on the ballot.

I understand the desire that our police officers and firefighters have, and while I hold the people in these professions in the highest respect, it is my belief that binding arbitration will have significant detrimental impacts both to costs to the city and with loss of managerial and council control.

Most importantly though, the bargaining units have failed to show WHY this action is needed. The inability to strike is not a reason. My feeling is that the city would do better to make sure that the negotiations processes with our bargaining units, (all of them and not just the public safety employees,) are as good as possible, and that we work to make sure that these processes are constantly being improved. Binding arbitration does nothing to make the negotiations process better.

Randy Preston

---

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>

**From:** <Jose.Salcido@sho.co.santa-clara.ca.us>  
**To:** <pnikolai@ci.santa-clara.ca.us>  
**Date:** 5/9/06 12:41PM  
**Subject:** Binding Interest Arbitration

To the honorable members of the Santa Clara City Council,

The Central Coast Chapter of PORAC (Peace Officers Research Association of California) are in full support of Santa Clara POA's attempts to obtain Binding Interest Arbitration from the citizen's of your fair city. We believe that this process to resolve issues between the city and the Association is a well balanced approach, which is fair for the citizens and the officers.

I have contacted Ron Cottingham, President of PORAC, and he assures me that Binding Interest Arbitration has worked well for those agencies throughout the State that have it. He is also offering the support of our State organization for passage of this measure.

We hope that you can join us in supporting the Association's attempts to keep public safety as the highest priority for the City of Santa Clara.

Sincerely,

Jose L. Salcido  
President  
Central Coast Chapter  
PORAC

**CC:** <president@porac.org>

**From:** John Miguel <john1965@sbcglobal.net>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/9/06 10:47AM

City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public safety employees on the November ballot. The citizens of San Clara deserve to have the highest quality public safety service. Binding arbitration will help to guarantee this.

Sincerely

John Miguel

**From:** <EHawkins2400@aol.com>  
**To:** <rdiridon@ci.santa-clara.ca.us>  
**Date:** 5/9/06 2:57PM  
**Subject:** binding arbitration

> City Clerk Diridon,

I write to urge the city council to put the issue of binding arbitration for the public

> safety employees on the November ballot. The citizens of San Clara deserve  
> to have the highest quality public safety service. Binding arbitration will  
> help to guarantee this. Sincerely

Edwin R. Hawkins, President  
San Mateo County Firefighters  
IAFF Local 2400  
1730 S. Amphlett Blvd. Suite 222  
San Mateo, CA 94403  
Phone 650-574-2400

**From:** <Vett62@aol.com>  
**To:** <MayorandCouncil@ci.santa-clara.ca.us>  
**Date:** 5/9/06 2:53PM  
**Subject:** Binding arbitration issue

As a retired police officer, I am totally opposed to any binding arbitration for police and fire units. There has never been a problem that could not be resolved via discussion, and there is no pending issue at this time that would warrant binding arbitration. In my opinion, this is a no win situation for all, police, fire, City Council and the City.

Further, there is no way back to the past once either party invokes binding arbitration. I will not support any candidate for political office that endorses or votes for binding arbitration, and I will be walking precincts to voice my personal opinion.

Sincerely yours, Chuck Seymour

**From:** Kim Fettahlioglu  
**To:** tedjo  
**Date:** 5/5/06 6:26PM  
**Subject:** Re: Your vote on the Binding Interest Arbitration (BIA) issue

Thank you for your comments. Your email will be referred to the Council Meeting on May 9, 2006 when the matter comes before Council.

Regards,

Kim Fettahlioglu  
Executive Assistant to the Mayor and City Council  
City of Santa Clara  
408/615-2250  
kfettahlioglu@ci.santa-clara.ca.us

>>> "tedjo" <tedjo@prodigy.net> 05/05/06 12:58 PM >>>

Dear Mayor Mahan: I shall be watching closely how you and the City Council vote on the BIA matter coming before you now.

It is obvious that the matter must be defeated - as it should have been when first proposed by the current confederacy of city unions. There will be no incentive on the part of the unions to negotiate openly and reasonably when they know that they will not only win what the city offers but something more by holding out for BIA. This will lead to the city backing away from any reasonable offering in negotiations and eventually a "confrontational attitude" by the parties rather than the present "reasonable partners" attitude between the parties.

The passing of this request, leading to a Charter amendment is unconscionable!

There is no reason to think that the electorate of our city should have some right to vote on this BIA in an election "because it is only fair", (quoting the union leadership). Hogwash! You must know that the sponsors of this idea are interested only in their own greed and are in the pockets of wrong thinking influential behind-the-scenes powers.

Your "NO" vote will insure that we voters see you as a reasonable supporter of we, the citizens of this city, and, therefore, you are worthy of our support for your candidacy for the County Supervisor position you are seeking. As a matter of fact, I will be delighted to place one of your signs on my lawn like you put on Glorian Quigley's if you vote against support of BIA. I told her about the BIA issue and she is livid that such shenanagins are being put forth by unscrupulous members of the council. She told me that she and her late husband didn't think we should have city unions at all!

So, please do your duty and give leadership in the council proceedings as you have in the past and do not let this go forward. If you do support it, you have betrayed your commitment to the people of Santa Clara. I know you will do the right thing.

Sincerely, TED CHAMBERLAIN  
986 Capitola Way, Santa Clara, 95051

5/9/06 Distributed at meeting

4F4

STATE CAPITOL:  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0022  
(916) 319-2022  
FAX (916) 319-2122

DISTRICT OFFICE:  
274 CASTRO STREET, SUITE 202  
MOUNTAIN VIEW, CA 94041  
(408) 277-2003  
FAX (408) 277-2084

E-MAIL:  
assemblywoman.lieber@assembly.ca.gov

WEBSITE:  
www.assembly.ca.gov/lieber

# Assembly California Legislature



**SALLY J. LIEBER**  
ASSEMBLYWOMAN, TWENTY-SECOND DISTRICT  
ASSISTANT SPEAKER PRO TEMPORE

VICE-CHAIR, COMMITTEE ON LOCAL GOVERNMENT  
CHAIR, SELECT COMMITTEE ON MOBILE HOMES  
CHAIR, SELECT COMMITTEE ON HUMAN TRAFFICKING  
CO-CHAIR, JOINT COMMITTEE TO DEVELOP A  
MASTER PLAN TO END POVERTY IN CALIFORNIA  
COMMITTEE ON HEALTH  
COMMITTEE ON HUMAN SERVICES  
COMMITTEE ON JUDICIARY  
COMMITTEE ON NATURAL RESOURCES  
COMMITTEE ON BUDGET  
BUDGET SUBCOMMITTEE #3 - RESOURCES

May 9, 2006

The Honorable Patricia M. Mahan, Mayor  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Dear Mayor Mahan and Council members:

I want to reiterate my strong support for submitting impartial arbitration to the voters of Santa Clara. I submitted a letter of support to the Council on April 6 but I think the seriousness of your decision warrants another opportunity to share my perspective as an elected official.

Santa Clara Firefighters Local 1171 and the Santa Clara Police Officers Association have been extremely reasonable in their efforts to secure your agreement to place this measure on the ballot. They have generously offered to pay the incurred costs. They have attempted to answer every possible question and concern that the City Manager, the Council, and local residents have raised. When the Council asked them to at least start the signature-gathering they did so. They also agreed to participate in the community forums you scheduled.

Clearly the City Manager, Police Chief and Police Chief are opposed to the measure and have provided every possible objection and dire scenario as their advice to you. Despite their objections, no firestorm of opposition has been evident. To the contrary, over 3,000 signatures have already been collected, more support letters than opposition letters have been received, and the community forums were sparsely attended.

There comes a time for elected officials when we make our best effort to do what we think is best even though our staff disagrees or if there could be more questions to ask and more information to digest. The police and firefighters of Santa Clara are not asking you to implement impartial arbitration. They are asking you merely to assent to a democratic vote of the people.

I urge you to place the proposed charter amendment on the ballot.

Warm thanks and regards,

SALLY J. LIEBER  
Assemblywoman, 22<sup>nd</sup> District  
Assistant Speaker Pro Tempore, California State Assembly